



**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND THE
COUNCIL SITTING AS THE REDEVELOPMENT AGENCY BOARD**

**Council Chamber in City Hall
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234**

WEDNESDAY, JULY 13, 2005

The Regular meeting of the City Council, also sitting as the Redevelopment Agency Board was called to order by Mayor Pro Tem Pettis in the Council Chambers on July 13, 2005 at 3:00 p.m.

ROLL CALL:

Present: Council Members/RDA Board Members England, Marchand, Vasquez,
Mayor ProTem/RDA Vice Chairman Pettis, Mayor/Chairman DeRosa

The regular meeting began at 6:33 p.m. and was opened by Mayor DeRosa.

John Ranieri, Palm Springs Church of Religious Science did the invocation. Council Member Marchand led the Group in the Pledge of Allegiance.

CLOSED SESSION AGENDA:

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9, Subd. (b)
Number of Potential Cases: 4
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6
Agency Negotiator: Donald Bradley, City Manager
Represented Employees: 1) Cathedral City Police Fire Management Association (CCPFMA); 2) American Federation of State, County and Municipal Employees.
3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.
Case No.: United States District Court, Central District of California Case No. EDCV 02-965

CC/RDA/PFA MINUTES

JULY 13th, 2005

Page 2

4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filippo, Jeremy Herrick, Ernie Vasquez, Tom Ferguson, Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Reshaw in their individual capacity, and DOES 1 through 10, Inclusive

Case No.: United States District Court, Central District of California Case No. CV 04 02931 (VBKx) Complaint for Damages and Injunctive Relief Demand for Jury Trial
5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Charlene Sumpter**)
Property Location: 68510 East Palm Canyon Drive
Negotiating Parties: Cathedral City Redevelopment Agency and Randy Broadhagen- Glory to God Ministries
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Charlene Sumpter**)
Property Location: 68510 East Palm Canyon Drive
Negotiating Parties: Cathedral City Redevelopment Agency and Jean Pierre La Chapelle
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Charlene Sumpter**)
Property Location: 68510 East Palm Canyon Drive
Negotiating Parties: Cathedral City Redevelopment Agency and Harvey Stern Gay Associated Youth
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Charlene Sumpter**)
Property Location: 68510 East Palm Canyon Drive
Negotiating Parties: Cathedral City Redevelopment Agency and Brian Brayer

CC/RDA/PFA MINUTES

JULY 13th, 2005

Page 3

- Museum in Black
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Warren Bradshaw**)
Property Location: 67265 Mission Drive APN# 677-393-003
Negotiating Parties: Cathedral City Redevelopment Agency and Gregory O. Holta
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
10. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Keith Scott**)
Property Location: West of the west Cathedral Canyon Wash APN# 687-040-047
Negotiating Parties: Cathedral City Redevelopment Agency and Glory to God Ministries
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
11. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)
Property Location: East of Van Fleet Avenue, South of East Palm Canyon, west of East Cathedral Canyon Channel and north of "D" Street
Negotiating Parties: Redevelopment Agency and City Urban Revitalization Corporation (CURC)
Property Owners: Redevelopment Agency
Under Negotiation: Disposition of Property
12. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)
Property Location: East of the East Cathedral Canyon Storm Channel in Designated Open Space Area.
APN #674-020-009 & 011 and 670-060-017 & 025
Negotiating Parties: Cathedral City Redevelopment Agency, Desert Cove Golf Resorts, LLC and Barbara Lyons.
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition
13. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Paul Shillcock**)
Property Location: South of "A" Street, north of "B" Street, east of Van Fleet APN# 687-221-005 and 006

CC/RDA/PFA MINUTES

JULY 13th, 2005

Page 4

- Negotiating Parties: Cathedral City Redevelopment Agency and Mr. and Mrs. Sam Stickles
Property Owner: Mr. and Mrs. Sam Stickles.
Under Negotiation: Property Acquisition
14. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Warren Bradshaw**)
Property Location: 68519 B Street
Negotiating Parties: Judy Coulton and Redevelopment Agency
Property Owner: Judy Coulton
Under Negotiation: Property Acquisition
15. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Warren Bradshaw**)
Property Location: NE corner of 33rd Avenue and Wishing Well Trail
Negotiating Parties: Angelo and Mary Strongo Trust and Redevelopment Agency
Property Owner: Angelo C. and Mary R. Strongo Trust
Under Negotiation: Property Acquisition
16. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Warren Bradshaw**)
Property Location: 68577 and 68584 C Street & 68581 B Street
Negotiating Parties: Redevelopment Agency and Building Horizons, Inc.
Property Owner: Redevelopment Agency
Under Negotiation: Usage Agreement for vocational education program
17. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Charlene Sumpter**)
Property Location: Parcels just north of A & B Street, west of Van Fleet, East of Cathedral Canyon, south of East Palm Canyon Drive otherwise known as Phase II
Negotiating Parties: Cathedral City Redevelopment Agency and Tri-Millennium Cathedral City LLC
Property Owner: Cathedral City Redevelopment Agency
Under Negotiation: Property Disposition/Lease Negotiations
18. PUBLIC EMPLOYEE APPOINTMENT pursuant to Government Code Section 54957
Title of Position: Redevelopment Director
19. PUBLIC EMPLOYEE EVALUATION pursuant to Government Code Section 54957
Title of Position: City Manager

CC/RDA/PFA MINUTES

JULY 13th, 2005

Page 5

CLOSED SESSION ANNOUNCEMENTS

City Attorney Charles Green advised that there were no reportable actions out of Closed Session, however, at the end of this meeting, the Council would adjourn to Closed Session to finish the Closed Session agenda.

PUBLIC COMMENTS

Bill Cohen – Cathedral City. Mr. Cohen reported that Pam is still resting uncomfortably at Premier and really wants to come home. The COPS sold ten T-shirts and four mugs at the Fountain Works event. The COPS still need some volunteers, please call him at 321-0148

Sharon Stevens – Cathedral City. Ms. Stephens is unhappy with the Cathedral City Police Force, especially Chief Henry, and with the City Manager Don Bradley and asked the Council to force these people, and others, to do their jobs. In a few weeks she will be 65 and considers her treatment from the Cathedral City officials as elder abuse.

Greg Wetmore – Rancho Mirage. Mr. Wetmore is the CEO/President of the Cathedral City Chamber of Commerce. Mr. Wetmore has been very busy assisting owners of businesses that were affected by the recent fire, working with the city staff, the property manager, the utilities company representatives to get these people ready to reopen their business. He reminded us of several events. He advised that the All Valley Legislative Luncheon will be on Friday July 23rd.

Lin Juniper, Public Affairs Rep from Southern California Edison. She advised of a power watch from the Cal ISO grid operators for the next two days. She brought literature for everyone on how to stay cool and reduce your electric usage. There will be a event at the Cathedral City Senior Center on the 19th sponsored by SCE and the Red-Cross from 10-11 a.m. on how to stay cool and healthy. Refreshments will be served.

Don Goms from the Coachella Valley Mosquito & Vector Control District (CVMVCD) was here to give us an update from CVMCD about the West Nile Virus. West Nile Virus was found on July 8 in Rancho Mirage. They have fogged the area for three days to eliminate mosquitos. He asked that we do everything we can to eliminate standing water. Their phone number is 760-342-8287 and their web site is www.cvmvcd.org.

Marc Breslow – Cathedral City. He would like the city to establish a pilot program using the back side of signs (like stop signs) to place various messages. He brought three pictures of his idea, and offered to fund the pilot program.

Bill Morrow – “down valley” and the photographer for the Fountain Works event. He presented a picture of the Mayor that he took at the event. Everyone enjoyed this moment of levity.

Seeing no one else wishing to speak Mayor DeRosa closed Public Comments.

CC/RDA/PFA MINUTES

JULY 13th, 2005

Page 6

AGENDA FINALIZATION

Mayor DeRosa advised that they will be pulling Item 4 from the Consent Agenda for discussion. Also items 8., 9., and 13. would be pulled and rescheduled.

COUNCIL COMMENTS

Council Member Marchand thanked Don Goms for coming this evening and reporting and also advised that the balloting was closed on the proposed assessment district for the \$16.00 per household. He asked that we adjourn tonight in memory of those who lost their lives in Iraq and Afghanistan. He commented that he did not agree with Ms. Stevens comments about our Police Department and "stood with" our Public Safety employees.

Mayor Pro Tem Pettis reported he had attended the Regional Water Quality Control Board Meeting and we have two Mobile Home Parks that have serious problems. He also advised that Southern California Association of Governments (SCAG) was adding tools and resources for economic development and that they planned to assist six cities with ideas for economic development.

Council Member England – Sat in at Sun Line Board for the Mayor where they passed a very conservative budget. He was due to go on a tour of the new animal campus in Thousand Palms tomorrow morning at 9 a.m. and estimates that the facility will be open in six weeks. Fountain Works was new, different, both a lot of fun, and hard work.

Council Member Vasquez - gave some community updates. The Kim Lewis Dance fund raiser at Cold Stone was successful and Cold Stone gave a donation in addition to the event. The annual dance program was attended by 1500 people and there were 160 students performing. He reported on the Neighborhood Watch groups. There were 125 people at the presentation at the Dream Homes, the largest turnout of any of our groups. There is a group forming in the square mile, two more in Rio Vista. He wanted to thank Ted Barnes and Diane Hines for their work in the Fountain Works. Also he stops by to see Pam Cohen at least once a week, and asked that others do this too.

Mayor DeRosa also commented on Fountain Works and the great jazz, also thanking Ted Barnes and the committee. Royal Palms Country Club has swing music on Thursdays. On the first and third Thursdays at 7:00 p.m. and on the second and fourth Thursdays from 1-3 p.m. The next neighborhood meeting will be at the Cathedral City Elementary School at 6:30 p.m. on July 19th. Come out and meet staff and some council members.

MINUTES

The minutes of the regularly scheduled City Council/RDA Board meeting were approved as written.

Mayor DeRosa asked that we go to item 16, a Public Hearing so that we could count

CC/RDA/PFA MINUTES

JULY 13th, 2005

Page 7

the ballots on Cimarron Homes Assessment District while the meeting is in progress. There was no objection.

CONSENT AGENDA

Council Member Marchand moved approval of the items 1-3, 5-7, 10-12, 14, 15, 15A, and 15B of the Consent Agenda, motion seconded by Council Member England, motion carried 5-0.

1. Approved demand register in the aggregate amount of \$8,398,207 for the month of June, 2005 **by Minute Order # 3922 and Minute Order R-1031.**
2. Approved the proposed ordinance of the City Council for the City of Cathedral City, amending sections 9.72.060 and 9.72.080 of Chapter 9.72 "Conditional Use Permits" of the Cathedral City Municipal Code by waiving further reading and adopting **Ordinance No. 604**
3. Ratified the Memorandum of Understanding between the City of Cathedral City and the Cathedral City Police and Fire Management Association for January 1, 2004 through June 30, 2005 **by Minute Order 3923.**
4. Authorization to purchase ten vehicles for the Police Department vehicles using budgeted funds from Palm Springs Ford.

Item was pulled for discussion. Council Member Marchand had requested this item be pulled for discussion because of the \$350,000 price tag. Chief Henry explained that these were 10 replacement cars and had been budgeted last year for this time. Cars are purchased from Palm Springs Motors and then they will have Police Packages installed by Thunderworks Mobile Engineering Technologies.

Public Comments were opened and closed without comment.

Council Member Marchand moved approval of the authorization not to exceed \$350,000, motion seconded by Council Member England, motion carried 5-0 **by Minute Order # 3924.**

5. Approved a Resolution of the City Council for the City of Cathedral City, authorizing and directing the Police Department to destroy specified records pursuant to the City's records retention schedule adopted by Resolution No. 2003-57 **by Resolution No. 2005-54.**
6. Received and files quarterly report from the Cathedral City Chamber of Commerce relative to the Fiscal Year 2004-2005 Economic Development/Business Resource Program Service Provider Agreement **by Minute Order #3925.**

CC/RDA/PFA MINUTES

JULY 13th, 2005

Page 8

7. Received and filed quarterly report from the Cathedral City Chamber of Commerce relative to the Fiscal Year 2004-2005 Community Service Provider Agreement **by Minute Order # 3926.**
8. Approval of Cathedral City Senior Center service provider agreement. (Stan **Item pulled, to be rescheduled to a later date.**
9. Approval of Cathedral City Senior Center – Community Service Proposal and Agreement Addendum.
Item pulled, to be rescheduled to a later date.
10. Received and filed quarterly report from the Cathedral City Senior Center Senior relative to Fiscal Year 2004-2005 service provider agreement **by Minute Order #3927.**
11. Adopted proposed resolution of the City Council for the City of Cathedral City, imposing special assessments against certain properties for recovery of nuisance abatement costs and providing for collection of such fees **by Resolution No. 2005-55.**
12. Approved an amendment of an Owner Participation Agreement involving vacant land west of the West Cathedral Channel, a portion of APN 687-040-047, by and between the Redevelopment Agency and Glory to God Ministries **by Resolution No. R-418.**
13. Sol Pacific. LLC at Rio Vista Village: Authority to accept the landscape Faithful Performance Bond by the City of Cathedral City and Authorize the Signing of the Faithful Performance Bond by the City Manager.

This item was pulled, to be rescheduled to first meeting in August.
14. Authorized the use of agency-owned properties at 68577 and 68584 “C” Street and 68581 “B” Street, by Building Horizons for the 2005-06 vocational education program and possible future vocational education programs through 2008-09 and provide for the use of \$155,000 from Agency Housing Set-Aside funds for the 2005-06 training program **by Minute Order # 3928 and Minute Order R-1032.**
15. Approved a request for the Cathedral City Council to reimburse agreement for the construction of interim improvements for the Date Palm Drive and Date Palm Drive Interstate 10 interchanges among the County of Riverside, City of Cathedral City, City of Palm Springs, City of Desert Hot Springs and the Coachella Valley Association of Governments **by Minute Order #3929.**
- 15A. Approved the Tentative Tract Map No. 33385 and the associated California

Environmental Quality Act (CEQA) exemption pursuant to Section 15315 (Class 15) (Minor Land Divisions) subject to the attached conditions and based on the findings contained in the staff report **by Minute Order #3930.**

- 15B. Adopted resolution of the Cathedral City Community Facilities District No. 2000-1, establishing annual special tax for fiscal years 2005-2006 Rio Vista Village **by Resolution No. 2005-56.**

PUBLIC HEARINGS

16. Conduct a public hearing and tabulate ballots to determine if a majority of voting property owners vote to approve their assessments for the formation of the proposed Cimarron Homes Tract Landscape & Lighting District Zone 20 (LLD-20).

Mayor DeRosa asked if anyone had any ballots that they wished to turn in?

There was a brief report from Bob Mohler, Assessment District Engineer.

Public Comments were opened and closed without comment.

Mayor DeRosa again asked if there was anyone who wished to turn in a ballot?

Hearing none, she instructed the Deputy City Clerk to commence the opening of the ballots.

The balloting results are as follows:

Yes vote 17 ballots, \$4009.96, 89.47%, No vote 2 ballots, \$471.76, 10.53%
The ballot measure passes.

Mayor Pro Tem Pettis moved 1) To adopt Resolution **No. 2005-57**, declaring the results of a property owner protest proceeding of Street and Lighting and Landscaping Maintenance District No. 1 Benefit Zone 20 (Cimarron Tract No. 25804-01), for Fiscal Year 2005-2006; and **2)** To adopt Resolution **No. 2005-58**, amending and/or approving the final Engineer's Report regarding the formation of Street Lighting and Landscaping Maintenance District No. 1, Benefit Zone 20 (Cimarron Tract No. 25804-01), for Fiscal Year 2005-2006; and **3)** To adopt Resolution **No. 2005-59**, ordering the levy and collection of assessments within the Street Lighting and Maintenance District No. 1, Benefit Zone 20 (Cimarron Tract No. 25804-01), for Fiscal Year 2005-2006. **Motion seconded by Council Member Marchand. Motion carried 5-0.**

CC/RDA/PFA MINUTES

JULY 13th, 2005

Page 10

17. Approve Engineer's Report and conduct annual public hearing for Street Lighting and Landscape Maintenance District No. 1 and adopt Resolutions to renew assessments in eleven existing benefit zones (Zones 1 thru 17) within the maintenance district for fiscal year 2005-2006.

A brief report was given by Bob Mohler, Assessment District Engineer.

Public Comments were opened and closed without comment.

Council Member Marchand moved to 1) Adopt Resolution No. 2005-60, amending and/or approving the final Engineer's Report for the Street Lighting and Landscape Maintenance District No. 1, fiscal year 2005-2006; and **2) Adopt Resolution No. 2005-61,** ordering the levy and collection of assessments within the Street Lighting and Landscape Maintenance District No. 1 for Fiscal Year 2005-2006. **Motion seconded by Council Member England, motion carried 5-0.**

18. Introduce proposed ordinances of the City Council for the City of Cathedral City, amending certain time limitations with respect to the Redevelopment Plan for Redevelopment Project Areas No. 1. and No. 2

Report by Keith Scott, Redevelopment Project Manager.

Public Comments opened and closed without comment.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried 5-0 **by Minute Order # 3931.**

19. Adopt resolutions of the City Council for the City of Cathedral City, ordering the vacation of the south 5.00 feet of Aliso Road, abutting Assessor parcels No. 670-172-010 and 011 and 670-212-001, located between Date Palm Drive and San Eljay Avenue, and the vacation of the five foot wide public utility easements shown on lots 1, 2, 22, and 23 of Rich Sands Estates Subdivision, located between Ramon Road and Aliso Road, west of San Eljay Avenue (Vacation No. 05-002); and ordering the vacation of the south 5.00 feet of Aliso Road, abutting Assessor Parcels No. 670-172-024 and 025, located between Ramon Road and Aliso Road, west of San Eljay Avenue. (Vacation No. 05-003)

A report was given by City Engineer Bill Bayne.

Public Comments were opened and closed without comment.

Council Member Marchand moved 1) To adopt Resolution No. 2005-62, for street vacation (05- 002); and **2) To adopt Resolution No. 2005-63,** for street 003) vacation (05-003. **Motion seconded by Council Member Vasquez, motion carried 5-0.**

LEGISLATIVE ACTION(S)

20. Adopt resolution of the City Council for the City of Cathedral City, authorizing the issuance of bonds and approving and directing related actions for cove Improvement District No. 2004-02.

Bill Bayne, City Engineer was available to answer questions.

Public Comments were opened and closed without comment.

Council Member England moved approval, motion seconded by Council Member Vasquez, motion carried 5-0 **by Resolution No. 2005-64**

21. Approval of Waste Management of the Desert's request for a rate increase on commercial accounts and authorization to execute an agreement with Waste Management to freeze residential rates for an additional three years.

There was a brief report from Deanna Pressgrove, the Environmental Conservation Manager.

Public Comments were opened and closed without comment.

Council Member England moved approval, motion seconded by Council Member Vasquez, motion carried 5-0 **by Minute Order # 3932.**

22. Authorization for staff to enter into a Professional Services Agreement with Playsafe, LLC for recreation and Park Master Plan.

Julie Baumer, Deputy City Manager, gave a report about the proposed agreement, she explained what came out of the focus groups that met with Dr. Kelsey and the Parks and Recreation Commission, and advised that we would have a plan in 100 days. The cost of the Park Master Plan would be \$12,500.

Public Comments were opened and closed without comment.

Mayor Pro Tem Pettis moved approval, motion seconded by Council Member Marchand, motion carried 5-0 **by Minute Order 3933.**

23. Recommendation to purchase playground equipment and pour-in-place soft surfacing for the renovation of Panorama Park.

Deanna Pressgrove, Environmental Conservation Manager. Ms. Pressgrove advised the Council that in the past two years we had renovated Agua Caliente Park and Century Park utilizing AB939 funds and grants from different state agencies. We are requesting an amount not to exceed \$168,000, utilizing two

CC/RDA/PFA MINUTES

JULY 13th, 2005

Page 12

grants received from California Department of Conservation and the California Integrated Waste Management Board to do the renovation on Panorama Park. This will include all removal of the soft surface material and the removal of the play ground equipment and park benches. The replacing items will be the soft surface which is made up of 100% recycled California tires, and installation of new playground equipment that is made with 30% content recycled material. Something new will be the replacement of benches with 100% recycled plastic, which is now used by Palm Desert. If this is approved tonight, Public Works would begin week after next, and the playground equipment installation could begin in six weeks.

Council Member England asked Ms. Pressgrove if anyone had contacted her about taking the used equipment off her hands, and she replied that some of it wasn't good enough for reuse, however, she could have Public Works set aside any that was reusable if some other group wanted to have it. He also asked about the walk way. Ms. Pressgrove commented about the water features, the tennis courts, etc and advised that they needed to be taken care of, without general fund dollars, she couldn't find a grant for this at this time. This would be considered as Phase II. When we complete this we will be going back to the other parks to do Phase II work and I'm working with the Parks Commission on this.

There was a side discussion about cars parking on the grass at the park, after the park shuts down at night, and also on Saturday and Sunday morning unloading at the gazebo's. Chief Henry responded that we give warnings and issue tickets. They try and get cooperation. It was suggested that we add this to next Study Session.

Council Member Marchand wanted to verify that a large portion of this money coming out of AB 939, this is not funding that we can use for other purposes. Ms. Pressgrove responded that this was true and explained the purpose of AB 939 funding.

Mayor DeRosa asked Ms. Pressgrove how much money was left in AB 939 fund. Mr. Pressgrove responded – total, after this expenditure – around \$600,000. During the time when our e-mail communication failure, when the server was down I sent you an e-mail asking you why we were going to go ahead and do this now, when we were going to have a whole parks study in a 100 days, why we were not going to wait till this study was done, and further I know you are looking at taking out the grass at the curb line and possibly using recycling money to put in something so that we don't have water all over the street in this area. Why are we moving forward now, rather than waiting 100 days – we waited two years to do this, what is the rush to do this now?

Ms. Pressgrove stated that first of all the insurance report that we received rated this park "worst" of the parks with regard to safety for kids. Mayor – "why didn't we

do this park first?" Ms. Pressgrove "It was expensive and we didn't have the grant funding to do the park first. It the biggest park that we have and was the most complicated to get funding for it. We now have the grants and if I wait one will expire and we will loose that funding. I have talked with Play Safe about this, they said it did not affect their Master Plan. I showed them the equipment that we were going to install, what we were using in the resurfacing, and they are familiar with what we are using, and they reviewed the plan and supported this renovation." Mayor DeRosa "even if a grant runs out, if we commit to doing the park, why would we move forward to redo a park, that we know in 100 days will be looked at and possibly want to upgrade in some fashion and now we have spent a \$170,000 to a park that may not be sufficient because the report will come back that there may be some other things that we should do in that park." Ms. Pressgrove "I'm only taking the direction of what I started a couple of years ago in renovating each park. It is the same thing as the others. I have acquired the funding to do this park." Chief Henry interjected that this had been on the Parks and Recreation Commission discussion for the past year. It was number one on the list for renovation but we didn't have funds to do the renovation. There were some ADA issues, while I don't know all the details, unless this were to be made into a soccer park, which is not the direction of the Parks Commission, this park needs to be renovated. Chief Henry explained that the equipment was modular and could be added to without a problem. The Mayor continued to question the decision to go forward with this. Further the Mayor said she was disappointed that the Commission has not integrated the plan along with this renovation, you've talked about both components but apparently there has been no integration of the two conversations with the same group of people. It causes me reason to pause.

Mayor Pro Tem Pettis responded that this was a seven acre park, not a park that is going to grow. My understanding of the Master Plan that we just approved is that it is going to be looking at the existing parks, but is really going to be focused on the growth of what our park system is going to be with the land that we have bought. Significant users of the park are people who will be utilizing other parks that we will develop, I think we need to move forward with this and have it done in 100 days so that we can move forward. Again the Mayor expressed concern that we are piecemealing things. Mayor Pro Tem Pettis believes this is the third step in what we have been doing. Council Member England wanted to reiterate that his understanding was that there is Phase I and Phase II. He was hoping that we would get the walkway at the same time, but he knows that is coming. As far as additional playground equipment is needed, I would imagine that we would just jump over the walkway and add more equipment.

Council Member Marchand. Three years ago four of us on the Council at that time, made a decision made a very difficult decision to cut 2.8 million dollars from our budget. One of the things we had to do, we had to cut money from the parks, and one of the things we said to the residents of this city was that we would work diligently to bring the parks back at the earliest possible moment. We entered into a

partnership with the Panorama residents that enabled the park to be brought back. I appreciate that we have an opportunity to explore a master plan for parks but I

think we need to keep faith with Panorama Residents who kept faith with us. When we said we were going to try and bring Panorama Park back and the residents stepped up to the plate and agreed to assume 50% of the cost to keep this park operational. I think we assumed a moral obligation to them, not to allow opportunity to slip by because we might be thinking about possibilities for the future. I might disagree with the Mayor, but my disagreement is principle, I would like us to move forward with this, no matter because I think the children need good, new quality equipment sooner rather than later.

Mayor DeRosa said that Paul makes a great point. This park needs to be finished, completed and finished. We made an agreement, we make a pact with the people of Panorama and that means getting water off of their streets – you know exactly where I'm going with this. That has been out there for over a year, and rather than pussy footing around for the last 10 minutes, I should have been very direct, I should have told you, you know what I want, you know what I need. I want the water off the streets in Panorama. The water on the streets from Panorama flows down to every other neighborhood – I'm tired of it and so is everybody else. With West Nile Virus we don't need the water on the streets. I don't know what it is going to take to get this water off the street at Panorama Park. What you are proposing is half a loaf, I want the other half. I want to find out what it is going to take to get the other half – I want to be educated because I don't buy that we can't have it and we are doing the Panorama residents a disservice by giving them half of what their needs are.

Mayor DeRosa asked if anyone in the audience wanted to address this issue.

Gene Touchet – Cathedral City. Mr. Touchet didn't understand that last bit. You have an item on the agenda – Mayor DeRosa interrupted Mr. Touchet to talk about recycle money, money we get from recycling that has to be put back into recycling. We have asked how do we get the water off the street by taking out the perimeter landscaping, either by doing desert-scape or by using artificial turf. AB939 monies can be used for artificial turf, we have been talking about using artificial turf for almost two years – Mr. Touchet advised that he agreed with what was said about West Nile Virus. Mayor Pro Tem Pettis said that this was a side issue to the agenda item but it was something that had to be addressed. Mayor said it was part of revitalizing Panorama Park. Mr. Touchet as part of the government, I would agree that if we were going to spend over \$100,000 and then in 100 days we were going to "throw that away" I wouldn't be agreeable to do that, but I don't think that is going to happen. With our experience with deadlines and projects, I think the kids around Panorama Park can have their new soft playground and equipment. We do need to get rid of the water but I don't see how you do it, if the new equipment is going to help the kids, I say do it!

Hearing no one else wishing to speak, Mayor Pro Tem Pettis moved staff recommendation. Motion seconded by Council Member Marchand. Council

Member England wanted to say the agenda item was to replace the play equipment. Mayor Pro Tem Pettis made a valid point that that the rest is a side issue, that will hopefully staff has heard that and will come back sometime with a solution to that. Mayor DeRosa said "at the next meeting, at Study Session", there is a motion on the floor and a second, please vote. Motion carried 5-0 **by Minute Order # 3934.**

24. Adoption of resolution of the Cathedral City Redevelopment Agency, determining the necessity for acquiring certain real property located within the Redevelopment Project Area No. 1 at 68783 "A" Street and making findings in support of the use of condemnation for such acquisition.

A report was given by Mr. Shillcock, filling in for Mr. Cleary, explaining in detail how the agency acquired certain property south of East Palm Canyon and east of Van Fleet Street for the purpose of providing the site for the Sheraton Hotel Project. With one property which belongs to Mr. and Mrs. Sam Stickles the Agency is currently renting seven of the eight units in the structures on the property. Staff is recommending that the Agency acquire the property at this time. We had it appraised and made an offer in January of this year, which offer was turned down.

Council Member England asked if we would continue to negotiate in good faith with the property owners, Mr. Shillcock replied that we would.

Mayor DeRosa opened the floor to Public Comments.

Sam Stickles – Rancho Mirage. He thinks that this resolution is discriminatory and is wrong at this time. There are properties to the East, West, and North that are not included in this resolution. You should include all properties in that area if you are going to institute eminent domain. I don't think it is necessary for you to acquire this property at this time. It is not necessary for the Hotel. You are only renting six of the eight apartments. I like it like it is. You can continue renting them, and when the time comes when you need the property, come back to me. You have made me a written offer, but your appraisal came in way below what I had the property appraised. I am not a willing seller. I understand in the end that you will acquire my property. Find me eight units that I can trade with you and I will do it.

Mayor Pro Tem Pettis moved approval of the resolution. Motion seconded by Council Member England. Mr. England commented about the eminent domain process and being fair to our residents. Council Member England explained the necessity of obtaining this land at this time.

Motion carried 5-0 **by Resolution No. R-419.**

CC/RDA/PFA MINUTES

JULY 13th, 2005

Page 16

25. Authorization to expend up to \$35,000 of Public Arts Commission funds to purchase and install a Steel Sculpture of Cathedrals and Mountains by

Cathedral City artist Michael Paul Thiry, to be located on the median along north Date Palm Drive.

Julie Baumer, Deputy City Manager gave a report on the Public Arts Commission Request to obtain a piece of sculpture by local artist Michael Paul Thiry. The Commission liked the piece, as it appears as the Santa Rosa Mountains from one angle, and cathedrals from the opposing side. Ms. Baumer invited Robert Marchand, Chair of the Public Arts Commission to come forward and show the model of the Art piece which they are proposing to buy.

Commissioner Marchand advised that the artist is currently in Milwaukee purchasing recycled stainless steel to build this sculpture. Mr. Marchand gave additional details about the sculpture. He advised that the finish will be a “brushed textured” finish. Mr. Bayne, city engineer commented further about the sculpture. The sculpture installation conforms to the basic set back requirements. Mr. Bayne also answered Council Member England’s questions with regard to the placement of the piece.

Mayor DeRosa opened the floor to Public Comments.

Bill Cohen – Cathedral City. Mr. Cohen says he is very fortunate, because artist is his neighbor, his work is beautiful and I encourage you to approve this.

Gene Touchet – Cathedral City. Wonderful stainless steel – I was surprised by this I didn’t know that we had a sub-committee from the Arts Commission. Mayor DeRosa explained about the ordinance and collection of fees. Julie Baumer, Deputy City Manager clarified the funding, and that it wasn’t coming from the General Fund. She also added some very positive comments about the artist and the piece.

Hearing no one else wishing to speak Mayor DeRosa closed Public Comments.

Council Member Marchand moved approval, not to exceed \$35,000. Motion seconded by Council Member England, motion carried 5-0 **by Minute Order # 3935.**

26. Authorization for expenditure of funds for business retention activities related to Ferguson Bath and Kitchen Gallery on Perez Road.

There was a report from Economic Development Direct Paul Shillcock, explaining that we don’t always find out when a business plans to leave a community. In this case the Chamber of Commerce alerted us to the fact that this business may leave

CC/RDA/PFA MINUTES

JULY 13th, 2005

Page 17

the community. We have met and agreed that we might help them to stay in the community for at least another three years, if we assisted them with their failing septic service. They are a major tax producer on Perez Road.

Council Member Marchand that we need to help Cathedral City businesses and spoke positively on this subject. Council Member England had some questions about Perez road and the possibility a future sewer project.

Mayor DeRosa commented about Ferguson and their future plans for expansion. This may be an opportunity to capitalized on potential customers for one of our available big box buildings.

Mayor DeRosa opened Public Comments.

Alibaba Farzaneh commented positively on the possibility of available space.

Hearing no one else wishing to speak Public Comments were closed.

Council Member Marchand moved approval, motion seconded by Mayor Pro Tem Pettis, motion carried 5-0 **by Minute Order # 3936.**

COUNCIL REPORTS ON CITIZEN INQUIRIES AND CONCERNS

Mayor DeRosa commented about the Children's Discovery Museum in Rancho Mirage, saying that there have been 266 residents thru the Museum this past month. Also that On Family Fun Night, which is once a month, we have 94 families, for a total of 976 families thru the museum this year.

ADJOURNMENT

Mayor DeRosa seeing no further business to come before this meeting advised the Council would adjourn to finish the Closed Session Calendar. This was at 8:56 p.m.

Council reconvened from Closed Session at 10:39. City Attorney Green there were no reportable announcements from Closed Session. Meeting was adjourned at 10:41 p.m.

Pat Hammers, CMC
City Clerk